

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

JAMES JILEK, *et al.*, on behalf of himself and)
all others similarly situated,)

Plaintiffs,)

vs.)

Case No. 3:23-cv-00818-RJC-DCK

COMPASS GROUP USA, INC., D/B/A)
Canteen)

Defendant.)

COMPASS GROUP USA, INC.'S MOTION TO STRIKE

Defendant Compass Group USA, Inc. d/b/a Canteen, by and through its undersigned counsel, and pursuant to Federal Rules of Civil Procedure 26 and 37 and the Court's inherent authority, respectfully requests the Court strike the untimely supplemental expert reports of Plaintiff's expert, Dr. Brian Kriegler.

WHEREFORE, for the reasons set forth in the contemporaneously filed Brief in Support, Defendant Compass Group USA, Inc. d/b/a Canteen respectfully requests that the Court:

- a. Strike the Supplemental Expert Report of Brian Kriegler (Doc. Nos. 262-3, 257-16);
- b. Strike the Second Supplemental Expert Report of Brian Kriegler (Doc. Nos. 262-4, 257-18);
- c. Strike the *de facto* third supplemental report of Brian Kriegler (which Plaintiff calls a "Declaration"), (Doc. No. 293-4); and
- d. Award such and other further relief as may be just and proper.

Dated: April 5, 2024

Respectfully submitted,

By: /s/ Joseph C. Wylie II

Joseph C. Wylie II, 6270852IL (*Pro Hac Vice*)

Nicole C. Mueller 6309735IL (*Pro Hac Vice*)

Kenn Brotman 6236771IL (*Pro Hac Vice*)

K&L GATES LLP

70 West Madison Street, Suite 3300

Chicago, IL 60602-4207

Tel: (312) 372-1121

Fax: (312) 827-8000

joseph.wylie@klgates.com

Nicole.Mueller@klgates.com

Kenn.Brotman@klgates.com

Paul W. Sweeney Jr., 112511CA

(*Pro Hac Vice*)

K&L GATES LLP

10100 Santa Monica Blvd., 8th Floor

Los Angeles, CA 90067

paul.sweeney@klgates.com

Secondary: litigation.docketing@klgates.com

Daniel D. McClurg

N.C. Bar Number 53768

K&L Gates LLP

300 South Tryon Street, Suite 1000

Charlotte, North Carolina 28202

Phone: (704) 331-7400

Fax: (704) 353-3114

Email: daniel.mcclurg@klgates.com

Attorneys for Compass Group USA, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed with the Clerk of Court via the Court's CM/ECF system on **April 5, 2024**, which will serve all counsel of record.

/s/ Joseph C. Wylie II